



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

January 15, 2010

VIA CERTIFIED MAIL

7002 0510 0002 7965 3555

Mr. James F. Tolen
Peabody Midwest Mining LLC
7100 Eagle Crest Boulevard, Suite 100
Evansville, Indiana 47715

Dear Mr. Tolen:

Re: Modification Request for
NPDES General Permit No. ING040154
IDNR Permit No. S-0308
Peabody Midwest Mining LLC Viking Mine- Corning Pit
County Road 900 East at County Road 350 South
Cannelburg, Indiana
Daviess County

Your NPDES permit application submittal dated November 5, 2009 and additional information dated December 12, 2009, to request modification of the above-referenced permit, have been reviewed. The submittal requested the removal of Outfall 022 (latitude 38°, 35', 8.7", longitude 87°, 01', 16.2") discharging to Dogwood Lake. New outfalls 024 (latitude 38°, 36', 25.9", longitude 87°, 01', 36.6"), discharging to Aikman Creek, 023 (latitude 38°, 36', 18.8", longitude 87°, 01', 48.6") and 025 (latitude 38°, 35', 58.5", longitude 87°, 01', 25.4"), both discharging to an unnamed tributary to Aikman Creek, and 026 (latitude 38°, 34', 59.7", longitude 87°, 01', 18.5"), discharging to an unnamed tributary to Dogwood Lake, are to be added. The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has received confirmation from the IDNR in Jasonville, Indiana that outfall 022 has been removed. Also our office has determined that the addition of the new outfalls will not affect this facility's eligibility for coverage under the general permit rules outlined in 327 IAC 15-1 through 15-4 and 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities, nor will the additional outfall points affect the site's ability to meet the reporting requirements. Therefore your petition to delete the referenced existing NPDES discharge point and to add the new outfall points has been approved in accordance with Indiana Rules promulgated under 327 IAC 15-7. All outfalls listed in the first table of Attachment 1 to this correspondence will now be included for coverage at this site.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of

this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

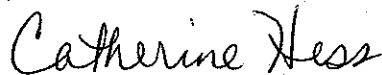
These modifications shall become effective on **February 1, 2010**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **June 30, 2013**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/

cc: Daviess County Health Department

ATTACHMENT 1

Peabody Midwest Mining LLC Viking Mine- Corning Pit

NPDES PERMIT NO. ING040154

IDNR PERMIT NOS. S-0308

EFFECTIVE DATE: **February 1, 2010**

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
003	S-0308 003	38°, 35', 05"	87°, 02', 22"	Alkaline	West Fork Sugar Creek
004	S-0308 004	38°, 35', 32"	87°, 00', 04"	Acid	West Fork Sugar Creek
005	S-0308 005	38°, 36', 19"	87°, 59', 26"	Acid	East Fork Sugar Creek
009	S-0308 009	38°, 36', 41.6"	87°, 00', 40.9"	Reclamation	Aikman Creek
011	S-0308 011	38°, 36', 45"	87°, 00', 06"	Undetermined	Aikman Creek
012	S-0308 012	38°, 35', 49"	87°, 59', 55"	Undetermined	West Fork Sugar Creek
023	S-0308 023	38°, 36', 18.8"	87°, 01', 48.6"	Alkaline	Unnamed tributary to Aikman Creek
024	S-0308 024	38°, 36', 25.9"	87°, 01', 36.6"	Undetermined	Aikman Creek
025	S-0308 025	38°, 35', 58.5"	87°, 01', 25.4"	Undetermined	Unnamed tributary to Aikman Creek
026	S-0308 026	38°, 34', 59.7"	87°, 01', 18.5"	Undetermined	Unnamed tributary to Dogwood Lake

The following outfalls have been removed and are no longer covered under this permit:

001	S-0308 001	38°, 35', 25"	87°, 0', 29"	Alkaline	West Fork Sugar Creek
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002	S-0308 002	38°, 35', 08"	87°, 0', 30"	Alkaline	West Fork Sugar Creek
006	S-0308 006	38°, 36', 14.9"	87°, 01', 1.7"	Alkaline	West Fork Sugar Creek
007	S-0308 007	38°, 36', 34.1"	87°, 0', 57.7"	Alkaline	Aikman Creek
008	S-0308 008	38°, 36', 32"	87°, 0', 46"	Alkaline	Aikman Creek
010	S-0308 010	38°, 36', 30"	87°, 59', 55"	Alkaline	Aikman Creek
013	S-0308 013	38°, 36', 35"	87°, 01', 7.9"	Alkaline	Aikman Creek
014	S-0308 014	38°, 36', 27.3"	87°, 01', 1.8"	Alkaline	Aikman Creek
015	S-0308 015	38°, 36', 29.9"	87°, 01', 14"	Alkaline	Aikman Creek
016	S-0308 016	38°, 36', 27.9"	87°, 01', 34.6"	Alkaline	Aikman Creek
019	S-0308 019	38°, 36', 44"	87°, 0', 35"	Alkaline	Aikman Creek
020	S-0308 020	38°, 35', 53"	87°, 00', 19"	Undetermined	Aikman Creek
021	S-0308 021	38°, 35', 41.7"	87°, 0', 35.9"	Alkaline	West Fork Sugar Creek
022	S-0308 022	38°, 35', 8.7"	87°, 01', 16.2"	Alkaline	Dogwood Lake

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 1D -GP

DATE OF NOTICE: January 15, 2010

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

PEABODY MIDWEST MINING, LLC VIKING MINE – CORNING PIT Permit No. ING040154, DAVIESS COUNTY, Cannelburg, IN. This facility will discharge non-process wastewater from a coal mining, processing and reclamation site. This modification is being issued because the company is removing 1 Outfall and adding 4 Outfalls. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:

Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.

NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		X	ING040154	Adding outfalls 023, 024, 025, 026. Removing outfall 022.

II. GENERAL INFORMATION

Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.

a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER	
Peabody Midwest Mining, LLC. Attn: James F. Tolen			1211		Davies		S-00308	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME Peabody Midwest Mining, LLC.			Latitude			Longitude		
STREET ADDRESS 7100 Eagle Crest Boulevard, Suite 100			Degrees	minutes	seconds	degrees	minutes	seconds
CITY Evansville,	STATE IN	ZIP CODE 47715	38°	35'	58"	87°	01'	37"
c. FACILITY NAME			i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
Peabody Midwest Mining, LLC. Viking Mine - Corning Pit			Township	Range		Section		Quartersection
			2N	5W		17, 18		
			2N	6W		13, 14, 23, 24		
d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM I.II					
STREET ADDRESS C.R. 850E			STREET ADDRESS CR 900E at CR350S, Cannelburg, IN 47519					
CITY Cannelburg	STATE IN	ZIP CODE 47519	CITY N/A		STATE N/A		ZIP CODE N/A	

III. CONTACT INFORMATION AUTHORIZED SIGNATORY

This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.

a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE		d. ALTERNATE PERSON TO ANSWER QUESTIONS	
James F. Tolen, Authorized Representative		N/A	
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE		e. ALTERNATE PERSON'S TELEPHONE	
(812) 434-8573		N/A	
c. APPLICANT EMAIL ADDRESS		f. ALTERNATE PERSON'S EMAIL ADDRESS	
jftolen@peabodyenergy.com		N/A	

IV. CONTACT INFORMATION OTHER:			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> James F. Tolen Peabody Midwest Mining, LLC.	
a. <u>CONTACT TELEPHONE NUMBER</u> (812) 434-8573		d. <u>STREET ADDRESS</u> 7100 Eagle Crest Boulevard, Suite 100	
b. <u>CONTACT EMAIL ADDRESS</u> jftolen@peabodyenergy.com		e. <u>CITY</u> Evansville	f. <u>STATE</u> IN
		g. <u>ZIP CODE</u> 47715	
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. <u>COMPANY AND CONTACT PERSON NAME</u> James F. Tolen	
h. <u>CONTACT TELEPHONE NUMBER</u> (812) 434-8573		k. <u>STREET ADDRESS</u> 7100 Eagle Crest Boulevard, Suite 100	
i. <u>CONTACT EMAIL ADDRESS</u> jftolen@peabodyenergy.com		l. <u>CITY</u> Evansville	m. <u>STATE</u> IN
		n. <u>ZIP CODE</u> 47715	
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u> N/A	
N/A			
o. <u>CONTACT TELEPHONE NUMBER</u> N/A		r. <u>STREET ADDRESS</u> N/A	
p. <u>CONTACT EMAIL ADDRESS</u> N/A		s. <u>CITY</u> N/A	t. <u>STATE</u> N/A
		u. <u>ZIP CODE</u> N/A	

V. RULE QUALIFICATION:
The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.
Does this facility meet these requirements? (please check one) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.
This facility is a surface coal mine. Stormwater is collected, and passed through sediment treatment structures designed by professional engineers to detain a 10year-24hour storm event.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS											
a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DWBF*	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM-SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
See Attachment VI										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	

* DWBF - Dry Weather Base Flow

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please note: No additional persons are potentially affected by the addition of these outfalls. The original permit application included all potentially affected persons within, and adjacent to the permit area, unless noted herein.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

A check payable to IDEM in the amount of \$ 50.00 is attached to this application.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

I have forwarded a copy of this application as is required to Mr. Darrell Davis, Indiana Department of Natural Resources, Division of Reclamation, R. R. 2, Box 129, Jasonville, IN 47438-9517 on this date.

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

James F. Tolen, *Authorized Representative*

(812) 434-8573

Name and official title (type or print)

Area Code and phone No.


Signature

12/29/09
Date signed

Submit completed form and attachments to the following address:

Indiana Department of Environmental Management
Office of Water Quality - Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
See Attachment VII				

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and/or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center - North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

Please note: The public notice for this area was published with the original Notice of Intent. This modification is to add outfalls in the area that was previously already public noticed.

Attachment VI

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

[illegible]

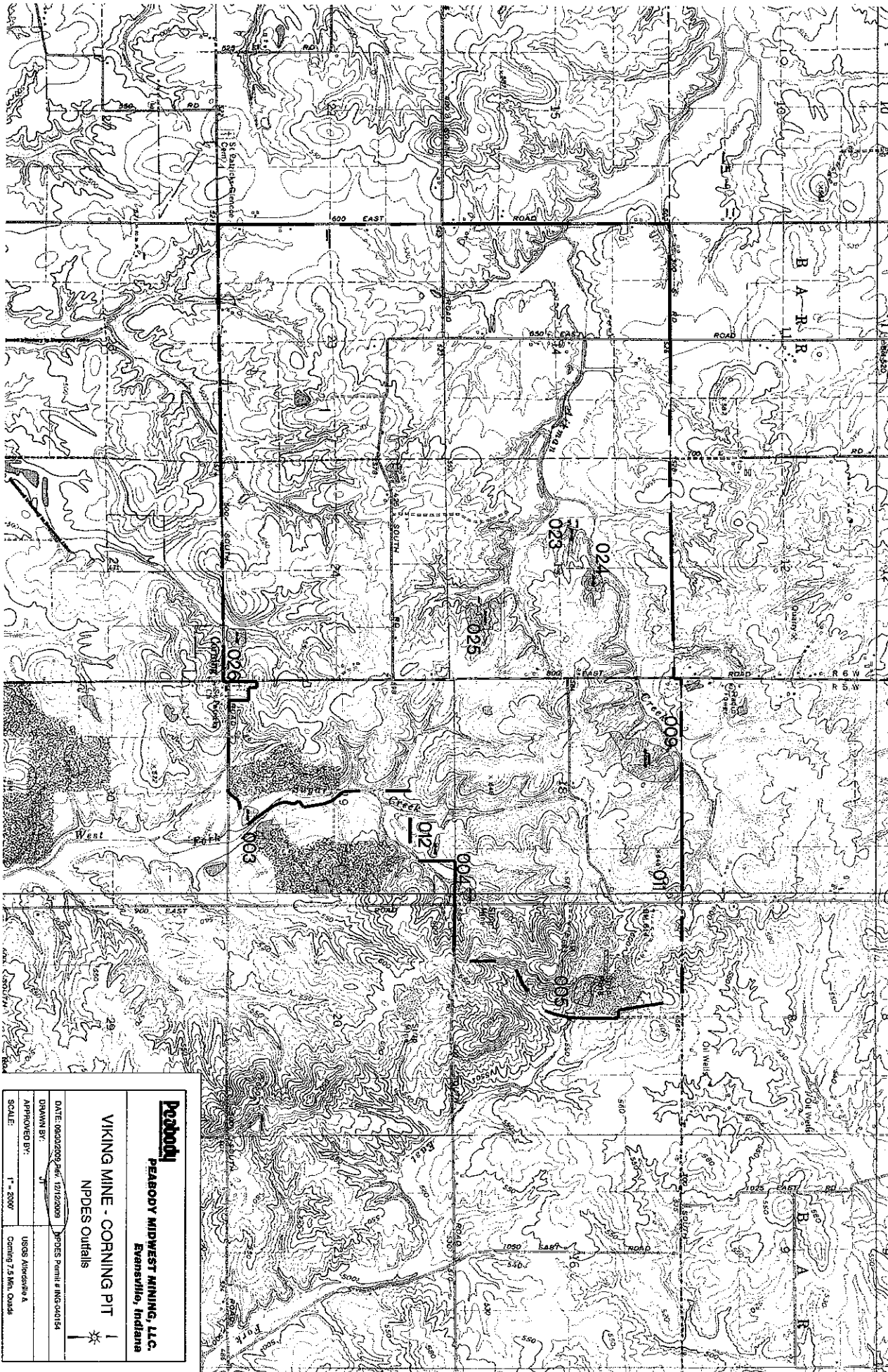
*DWBF — Dry Weather Base Flow

*** unconstructed

[illegible]

VII. **OUTFALL INFORMATION FOR MODIFICATIONS:** Please provide the following if
this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

[illegible]



Peabody	
PEABODY MIDWEST MINING, LLC.	
Evansville, Indiana	
VIKING MINE - CORNING PIT	
NPDES outfalls	
DATE: 06/02/2009 PM 12/12/2009	NPDES Permit # ING-00154
DRAWN BY: JT	USGS Aircelista A
APPROVED BY: JT	Corning 7.5 Min. Outfalls
SCALE: 1" = 200'	

